

REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on January 22, 2007. A petition for a one month extension of time is submitted herewith. The Director is authorized to charge \$120.00 for the petition for extension of time and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-604 on the account statement.

Claims 1-15 are pending in this application. In the Office Action, Claims 1-4 and 7-12 are rejected under 35 U.S.C. §102 and Claims 5-6 are rejected under 35 U.S.C. §103. In response Claims 1, 6 and 12 have been amended and Claims 4-5 have been canceled. This amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

Claim 6 has been amended for clarification purposes.

In the Office Action, Claims 1-4 and 8-12 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,459,338 to Dixon Kay et al. ("*Dixon Kay*"). Claims 1-4, 7 and 9-11 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 2,427,680 to Leonard et al. ("*Leonard*"). Applicants respectfully disagree with and traverse these rejections for at least the reasons set forth below.

Applicants have amended Claims 1 and 12 to recite, in part, that the passageways are arranged at an angular location of from 100 to 140 degrees from each other. The amendment is supported in the specification, for example, at page 4, line 25 to page 5, line 4. In contrast, the cited references fail to disclose or suggest every element of Claims 1 and 12 as currently amended.

A first advantage of the claimed metering device configuration is that doubling the capacity and operating speed of the device is possible as filling and dosing of product is achieved every half-cycle (e.g. alternate rotation). Another advantage of the claimed metering device is that the number of the passageways and arrangement of the passageways relative to one another provide a versatility of use of the device. For example, the claimed metering device can be used either in a 1:2 or 2:1 dosing configuration. In a 1:2 dosing configuration, a first passageway serves as a product inlet while the two others serves as two outlets for dosing product on two

parallel production lines. In a 2:1 dosing configuration two different products can be combined to make a third one and dose it through a single outlet.

In contrast to the present claims, *Dixon Kay* and *Leonard* fail to disclose or suggest that the passageways are arranged at an angular location of from 100 to 140 degrees from each other as required, in part, by Claims 1 and 12. For at least the reasons discussed above, Applicants respectfully submit that Claims 1 and 12 and Claims 2-4 and 7-11 that depend from Claim 1 are novel, nonobvious and distinguishable from the cited references.

Accordingly, Applicants respectfully request that the rejections of Claims 1-4 and 7-12 under 35 U.S.C. §102 be withdrawn.

Claims 5-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Leonard*. Applicants respectfully submit that the patentability of Claim 1 as previously discussed renders moot the obviousness rejection of Claims 5-6 that depend from Claim 1. In this regard, the cited art fails to teach or suggest the elements of Claims 5-6 in combination with the novel elements of Claim 1.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

~~BELL, BOYD & LLOYD LLC~~

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